

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

MACKINAC CENTER FOR PUBLIC
POLICY,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

Case No. 1:23-cv-10795-TLL-PTM

**JOINT MOTION TO SET A BRIEFING SCHEDULE
ON DEFENDANTS' FORTHCOMING MOTION TO DISMISS**

On October 6, 2023, Plaintiff filed an amended complaint challenging the U.S. Department of Education's past pandemic-related pause of monthly payment obligations and interest accrual on federally held student loans, the Department's "on ramp" policy for resuming student loan payment obligations and interest accrual, and the Department's authority to credit certain borrowers with progress towards statutorily authorized loan forgiveness during the period that the pause was in effect. *See* ECF No. 22.

The parties have conferred regarding Plaintiff's amended complaint and Defendants' response, which Defendants anticipate will be a motion to dismiss. Following those discussions, the parties have agreed to the following schedule for briefing on Defendants' forthcoming motion to dismiss:

Filing	Date
Defendants' Motion to Dismiss & Brief in Support of Dismissal	November 6, 2023
Plaintiff's Brief in Opposition to Dismissal	December 4, 2023
Defendants' Reply in Support of Dismissal	December 18, 2023

Good cause exists to grant the parties' proposed briefing schedule. Plaintiff's amended complaint challenges important government policies, and Defendants' forthcoming motion will address important threshold defenses that implicate this Court's jurisdiction. The parties' proposed schedule will ensure sufficient time for the parties to prepare submissions that are as helpful as possible to the Court in its consideration of the issues presented. The proposed schedule will also accommodate the previously planned leave schedules of undersigned counsel.

For these reasons, the parties respectfully request that the Court adopt the briefing deadlines that the parties have negotiated and agreed upon, as detailed above.

Dated: October 20, 2023

/s/ Sheng Li

SHENG LI

Litigation Counsel

RUSSELL G. RYAN

Senior Litigation Counsel

Attorneys for Plaintiff Cato Institute

NEW CIVIL LIBERTIES ALLIANCE

1225 19th Street NW, Suite 450

Washington, DC 20036

(202) 869-5210

Sheng.Li@ncla.legal

Patrick J. Wright

Vice President for Legal Affairs

MACKINAC CENTER FOR PUBLIC
POLICY

130 W. Main Street

Midland, MI 48640

(989) 430-3912

Counsel for Plaintiff

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant

Attorney General

MARCIA BERMAN

Assistant Branch Director

/s/ Cody T. Knapp

CODY T. KNAPP (NY #5715438)

Trial Attorney

U.S. Department of Justice

Civil Division

Federal Programs Branch

1100 L St. NW

Washington, D.C. 20005

Telephone: (202) 532-5663

Facsimile: (202) 616-8470

E-mail: cody.t.knapp@usdoj.gov

Counsel for Defendants